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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,332	10/10/2001	Naoyuki Goto	645-150	2695
47888	7590	02/09/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			BLACKWELL RUDASIL, GWENDOLYN A	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,332

Applicant(s)

GOTO, NAOYUKI

Examiner

Gwendolyn Blackwell-Rudasill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/550,879.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Prosecution on the merits of this application is reopened on claims 38-53 considered unpatentable for the reasons indicated below.
2. Applicant is advised that the Notice of Allowance mailed on 22 September 2004 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-41, 43-46, and 48-52 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent no. 3,898,093, Faulstich et al.

Regarding claims 38, 43, 48, and 52

Faulstich et al disclose an optical quality glass, which can be used for eyeglasses, having a thermal expansion coefficient of $\alpha \times 10^7$ per °C of generally 85-100 at 20-300 °C, (column 2,

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lines 30-31). The glass has the following compositional range, (columns 2-3, lines 57-10), meeting the requirements of claims 38, 43, 48, and 52:

	Useful	Preferred
SiO ₂	40-45%	41-44%
B ₂ O ₃	2-6%	2.5-5.0%
SiO ₂ + B ₂ O ₃	42-49%	44-49%
Li ₂ O	0-4%	1-4%*
Na ₂ O	6-16%	6-14%
K ₂ O	0-10%	1-7%*
Total Alkali		
Metal Oxides	12-17%	12-17%
TiO ₂	24-26%	25%
ZrO ₂	2-7%	3-6%
CaO	0-6%	2-6%*
MgO	0-4%	0%

-Continued

	Useful	Preferred
SrO	0-10%	3-4%*
BaO	0-10%	0-10%
ZnO	0-7%	1.5-6.5%*
Al ₂ O ₃	0-2%	0-1%
La ₂ O ₃	0-5%	0-5%
Nb ₂ O ₅	0-5%	1-3%*
Ta ₂ O ₅	0-3%	0-3%

*optional ingredients; preferred range when present.

Regarding claims 39-40, 44-45, and 49-50

A chemical composition and its properties are inseparable. *MPEP 2112.02*. Because the prior art exemplifies the applicant's claimed composition in relation to the glass composition, the claimed physical properties relating to Young's modulus and the Vickers hardness are inherently present in the prior art of record. As such, the addition of the claimed physical properties to the claim language fails to provide patentable distinction over the prior art of record.

Regarding claims 41, 46, and 51

A chemical composition and its properties are inseparable. *MPEP 2112.02*. Because the prior art exemplifies the applicant's claimed composition in relation to the glass composition, the

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claimed physical property relating to the light transmittance for a plate thickness of 10 mm being 90% or over within a wavelength range from 950 nm to 1600 nm is inherently present in the prior art record. As such, the addition of the claimed physical property limitations to the claim language fails to provide patentable distinction over the prior art record as a glass plate having a thickness of 10 mm made from the composition outlined above would exhibit the light transmittance as exemplified by Applicant.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 42, 47, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent no. 3,898,093, Faulstich et al. as applied to claims 38, 43, and 48 above, and further in view of United States Patent no. 4,525,425, Church.

Faulstich et al., disclose the limitations of claim 1 as set out above. Faulstich et al., do not disclose that the optical glass can be used as a light filter with a dielectric layer formed thereon.

Church discloses a water and oil repellent metal oxide-organic combination coating system, which can be used on eyeglasses, comprised of at least two layers wherein the first coating on the substrate is a dielectric coating comprised of materials such as oxides of

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zirconium, chromium, and titanium, (column 2, lines 8-56). It is known in the art that the aforementioned dielectric materials would also exhibit light filtering characteristics.

Faulstich et al and Murphy disclose analogous inventions related to optical glasses that can be used as eyeglasses. It would have been obvious to one skilled in the art at the time of invention to modify the optical glass of Faulstich et al with the coating system of Murphy in order to impart water and oil repellant properties to the surface of the Faulstich et al optical glass.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

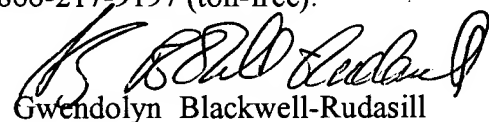
8. United States Patent no. 5,699,189 discloses the use of anti-reflective films for optical substrates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Blackwell-Rudasill whose telephone number is (571) 272-1533. The examiner can normally be reached on Monday - Thursday; 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Blackwell-Rudasill

Examiner

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